

Independent claims 1, 2, 3, 4 and 6 are rejected as being unpatentable over U.S. Patent 4,836,553 (Suttle et al.) in view of U.S. 5,775,992 (Wood et al.).

In the Examiner's opinion, the patent to Suttle et al., at columns 3 and 4, discloses many of the steps recited in claim 1. In particular, the Examiner refers to col.3, lines 11-14, disclosing that five cards are initially distributed face down to each player and the dealer. The Examiner considers the cards dealt to the player face down as giving the perception of a house advantage, while cards dealt to the player face up as giving the perception of a player advantage. In the Examiner's opinion, determining whether to deal to the player five cards face down or five cards face up would have simply been a casino business decision that is always obvious in the art.

The Examiner further refers to Suttle et al., col.3, lines 13-14, as disclosing that initially to the dealer are distributed five cards, four cards face down and one face up, and after the player makes a decision, whether to forfeit or continue the game by placing a second stake, the dealer's four cards are turned face up, col.3, lines 49-50. In the Examiner's opinion, Suttle's steps of dealing one face up card and four face down cards to the dealer, then after the player makes a decision, turning over the dealer's four face down cards, are equivalent to the claimed steps of dealing one card face up to the dealer and then, after the player makes a decision, dealing four face up cards to the dealer. The Examiner notes that in both circumstances, before the player makes a decision, the values of the four cards yet to be dealt to the dealer in the claimed invention are also unknown.

As to the second cited document, the patent to Wood et al., in the Examiner's opinion, discloses in col.5, lines 19-27 and Table 2 the use of at least two packs of cards in poker games; and the introduction of at least two packs creates more poker rank combinations having higher payoffs. In view of this disclosure, in the Examiner's opinion, it would have been obvious to a person skilled in the art to incorporate an additional pack of cards to Suttle's poker game in order to create additional poker rank combinations having higher payoffs.

Claim 3 comprising features determining list of ranking game combinations corresponding to the use of at least two packs of cards consisting of 52 sheets, in the Examiner's opinion, is simply a casino business decision.

Claims 6 comprising features determining exactly how many packs of cards to use, in the Examiner's opinion, is simply a casino business decision, and is interpreted by the Examiner in such way that the more packs that are used, the more poker ranking combination can be created.

Claim 2 is rejected as being unpatentable over Suttle et al. in view of Wood et al., as applied to claim 1, and further in view of U.S. 5,845,906 (Wirth). In particular, the Examiner refers to Wood's col.4, lines 47-65 as disclosing an opportunity to the player to improve his five-card hand by providing an option to place a stake (on zone 15) in order to buy a sixth card. In the Examiner's opinion, in view of such disclosure, it would have been obvious to incorporate a rule to Suttle's game allowing a player to improve his five-card hand by providing an option to place a stake in order to buy a sixth card.

The Examiner rejected claim 5 in connection with the limitation "the appropriate predetermined rate" as having insufficient antecedent basis with reference to relationship between a first stake and a stake "insurance" and notes that claim 5 includes, potentially patentable subject matter and would be allowable if rewritten to overcome the above rejection and to include all the limitations of the base claim. Applicant appreciates the indication of allowability and has amended the claim responsive to the rejection under 35 USC 112, second paragraph.

However, Applicant respectfully disagrees with the Examiner's conclusions that the claimed invention according to claim 1 is obvious in view of the combination of Suttle et al. and Wood et al., and according to claim 2 – in view of the combination of Suttle et al., Wood et al. and Wirth, and that the remaining differences are a casino business decision.

Based on comparative analysis of the cited documents with the claimed invention the Applicant notes as follows.

An object of the invention is to provide a novel method of playing a card game providing, based on the main principles of a poker card game, along with realizing new gaming combinations to make the game more exciting to play, increasing speed of the game, and, what is of primary importance, improving protection from illegal manipulation of cards (see page 2, lines 6-11).

The latter two objects – speed of the game and protection from illegal manipulation of cards – were not considered in the cited references altogether and, consequently, cannot be attained therein, taken separately, or in any combination.

More particular, according to the claimed card game, in contrast to conventional poker adapted to be played in casino, such as in Suttle at al., in the inventive method it is proposed to deal all cards face up. This creates a condition where the participants are not required to take cards in their hands at all. This condition excludes, in principle, any possibility of fraudulent operations with cards. Moreover, this distinctive feature is not an ordinary casino business decision – to deal all cards face down or face up. In such a case dealing of all cards face up would ordinarily lead to an absurd situation where absolutely all game combinations are known from the outset to the players, and the game would lose meaning, because displaying all dealt cards to the participants would imply loss for the casino.

As opposed to such purported “casino business decision”, the claimed invention solves a problem, on the one hand, to increase maximally the openness of the operation of dealing the cards by dealing the cards face up to all of the participants, and on the other hand, to retain for the player attraction inherent to the five card poker game and even to increase the interest for the game by providing “transparency” of the game process for the players and accelerating of the game cycle.

This is attained by the distinctive features of the claimed game such as

- a fundamental necessity to use more than one pack of cards, which introduces a greater degree of uncertainty into the allocation of game combinations of cards dealt face up and creates

a condition where each game cycle is played using a different set of cards (because the played cards of a previous game cycle are discarded, i.e. excluded from the next game cycle);

- a new time sequence of dealing the cards to the dealer, in which cards all are dealt face up: one card is dealt face up together with dealing the cards to the players, which cards, as distinct from a conventional poker, are dealt face up, and the remaining cards are dealt to the dealer also face up after the player makes a decision whether to continue the game or not.

Based on a comparison of the claimed method according to claim 1 with cited combination of Suttle et al. and Wood et al., it should be noted that according to Suttle et al., col.3, lines 11-14, 49-50, the dealer deals one card at a time to each player and then one card to himself until each player and the dealer has a five card hand. All cards of each player are dealt face down, while four cards of the dealer are dealt face down and the remaining card face up. Later in the game, the dealer's cards will be turned face up. Thus, the cited parts of Suttle et al. describe a conventional poker game adapted for casino play, failing to have above noted novel features of the claimed invention and to provide the above noted advantages of the same.

As to Wood et al., col.5, lines 19-27 and Table 2 comprise description of a pay table to use with a combined 260 card deck in a poker game, preferably played on an electronic video poker machine where the player plays with gaming machine, which video poker having as an object diversifying winning card combinations and proposing corresponding pay tables. In this video poker, each game cycle is independent of any other and is performed under the same conditions: a previous combination of five cards displayed on the screen is reset by pressing a button on the gaming machine, and a new combination of five cards from the same 260 card deck is displayed to the player on a video screen. Thus, in Wood et al., this form of poker has to be dealt from the entire 260 cards for every game, i.e. the cards shuffled for each game.

The crucial difference distinguishing the claimed invention is that the cards are not shuffled until the majority of the cards have been used. The shuffle will take place after the game is completed during which the cutting card is reached. The cutting card is placed by the dealer after a shuffle, towards the back of the cards to be dealt. Therefore, whereas in the Wood et al. version of the game it is theoretically possible to achieve, for example 5 aces of spades, in

subsequent games, it is not possible in the claimed invention, where each next game cycle is played using a different plurality of cards, which creates additional possibilities to players to make valid decisions basing on tracking game combinations from previous game cycles.

Thus, Suttle et al. and Wood et al. taken both separately and in any combination do not disclose the above aspects and distinctive features of the claimed invention resolving the above mentioned objects of the invention.

Therefore, the claimed method according to claim 1 is novel over the combination of Suttle et al. and Wood et al., and the novel inventive features are not obvious from cited prior art but are a result of overcoming of problems revealed by the Applicant in the art.

In this connection the Applicant would like to note that the above mentioned distinctions of the invention such as using more than one standard pack of cards, performing the game procedure in cycles, wherein each game cycle is played sequentially using the remaining cards after previously played game cycles, would be understandable to one skilled in the art while considering the features of the invention according to claim 1. At the same time, to reflect more clearly the above noted distinctions of the invention over the combination of Suttle et al. and Wood et al. the Applicant has amended the claims by adding a new independent claim 8 more clearly setting forth the above noted continuity of the claimed game.

Dependent claim 2 considered together with corresponding independent claim 1, due to novelty of the latter over the combination of Suttle et al. and Wood et al., also is novel as compared with the above combination, including combination added by Wirth.

Dependent claims 3, 4, 5 considered together with corresponding independent claim 1, due to novelty of the latter over the combination of Suttle et al. and Wood et al., also are novel and, moreover, comprise essential distinctive features related to specific used game combinations and specific conditions of paying the stakes according to preferred embodiments of the invention of claim 1. Thus, according to claim 5, the “a predetermined rate”, determines a relationship between a first stake and a stake “insurance” may be selected taking into account specific

conditions of implementation of the game, in particular, as 1:1 as noted in page 5, line 34 of the specification.

Taking into account the explanation set forth above, the Applicant respectfully requests the Examiner to consider the amended claims where claims 1-4 are patentably distinguishable over the prior art as well as amended claim 5, new independent claim 7, including all the limitations of the base claim 1 and additional limitations according to original claim 5, and new independent claim 8 comprising additionally to features of claim 1 a new step (i) of discarding the cards being used in the completed cycle and repeating the steps (c) through (h) using available cards.

#### CONCLUSION

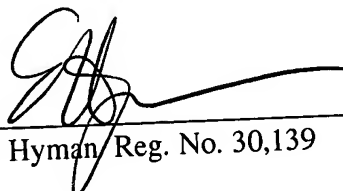
In view of the foregoing, reconsideration and withdrawal of the rejections of record are requested, and it is submitted that the subject application is now in condition for allowance.

Respectfully submitted,

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